

Case 4446D1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: Lam, J. et al. Examiner: Baker, Maurie Garcia
Serial No: 09/780,600 Art Unit: 1627
Filed: February 9, 2001
Title: NUCLEIC ACIDS LABELLED WITH EXTENDED RHODAMINE DYES

**RESPONSE TO RESTRICTION REQUIREMENT UNDER 37 CFR § 1.111 AND
ELECTION OF SPECIES**

Assistant Commissioner for Patents
Washington, D. C. 20231

Sir:

With reference to the Office Action mailed June 12, 2002, the applicant now elects Group I, claims 46-65, as required under 35 USC § 121.

Applicant elects the species of labeled nucleic acid compound shown on the following page. The species reads on claims 46-49, 52-56, 59, and 61.

The species is consonant with the formula: NUC-L-D shown at page 61, line 1, as well as shown and described at other places in the application. NUC is selected from a dideoxynucleotide triphosphate terminator shown and described at page 63, lines 7 to 19. The nucleobase of NUC is a 7-deazapurine (7-deazaguanosine). L is selected from the linkage described at page 61, line 13 and shown at page 62, line 4. D is selected from the compounds of general structure shown in Formula I, for example at page 16, line 20 and where R₈ has the structure shown at page 22, line 5.

The applicant feels that the pending claims in the present application are in condition for allowance, and allowance is therefore respectfully requested.

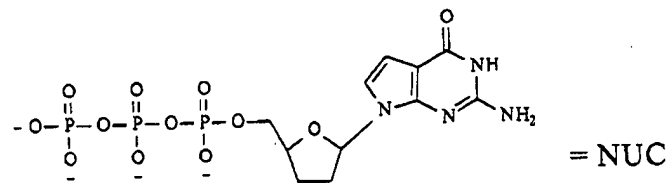
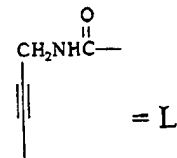
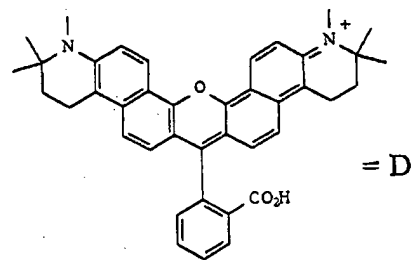
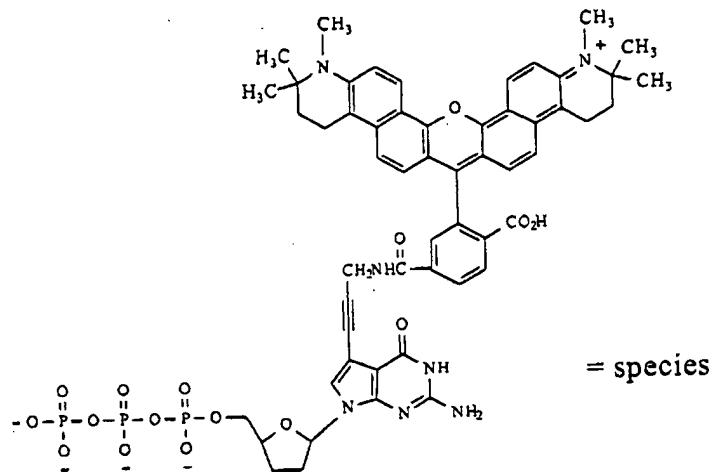
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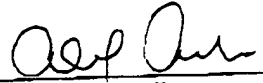
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A two month extension is considered by the applicant to be required. The Commissioner is authorized to withdraw fees for the extension, and for any additional fees which are required, from deposit account 01-2213.

Respectfully submitted,

CORRESPONDENCE ADDRESS

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Agent for Applicants

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RESTRICTION ELECTION FACSIMILE TRANSMISSION

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GROUP 1600

DATE: August 13, 2002

FROM/ATTORNEY: Alex Andrus

FIRM: Applied Biosystems

PAGES, INCLUDING COVERSHEET: 4

PHONE NUMBER: 650 638-5607

OFFICIAL

TO EXAMINER: Maurie Garcia Baker, Ph.D.

ART UNIT: 1627

SERIAL NUMBER: 09/780,660 09/780 600

FAX/TELECOPIER NUMBER: (703) 308-4315

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